

U.S. Department of Justice

*United States Attorney
Eastern District of New York*

NMA/SEF

271 Cadman Plaza East

Brooklyn, New York 11201

February 6, 2012

By ECF

The Honorable Carol B. Amon
Chief United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Badalamenti, et. al
Criminal Docket No. 12-050 (S-1) (CBA)

Dear Chief Judge Amon:

The government hereby respectfully submits this letter to request that the above-captioned case be deemed complex pursuant to 18 U.S.C § 3161(h) (8) (B) (ii).

The superseding indictment (the "indictment") charges six defendants variously with racketeering, racketeering conspiracy, extortion, extortion conspiracy, marijuana distribution conspiracy and illegal gambling. The indictment was the result of a lengthy investigation conducted, in part, through the use of consensual recordings. The government intends to produce its first installment of discovery by Friday, February 10, 2012.

Title 18, United States Code, Section 3161(h) (8) (B) (ii) provides that a district court may grant a continuance excluding the time in which a trial must commence on the court's own motion, or by the motion of either party, where the court finds that the case "is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for the trial within the time limits established [by the Speedy Trial Act]." Id.

Here, the number of defendants, the nature of the charges, and the volume of discovery make it unreasonable to expect the parties to adequately prepare for trial within the 70 days established by the Speedy Trial Act.

Accordingly, the government respectfully requests that the Court designate the above-captioned matter as complex for the purposes of the Speedy Trial Act.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
Nicole M. Argentieri
Stephen E. Frank
Assistant U.S. Attorneys

cc: Defense counsel (by ECF)